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NATURAL ALTERNATIVES)	
INTERNATIONAL, INC.,)	
)	
Plaintiff,)	Civil Action No. 4:11-cv-4511
)	(Consolidated 4:12-cv-1388)
v.)	(Consolidated 4:13-cv-1742)
)	(Consolidated 4:13-cv-1834)
WOODBOLT DISTRIBUTION, LLC,)	
also known as Cellucor, <i>et al.</i> ,)	
)	
Defendants.)	
)	

Plaintiff, Natural Alternatives International, Inc. (“NAI”), briefly responds to the notice of supplemental authority filed by defendant Woodbolt Distribution, LLC (“Woodbolt”) on the decision of the Patent Trial and Appeal Board (“PTAB”), part of the U.S. Patent and Trademark Office, on the *inter partes* reexamination of one of the patents-in-suit. Dkt. No. 200.

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chapter, when the time for appeal has expired or any appeal proceeding has terminated, the Director shall issue and publish a certificate canceling any claim of the patent finally determined to be unpatentable, confirming any claim of the patent determined to be patentable, and incorporating in the patent any proposed amended or new claim determined to be patentable."); 37 C.F.R. §§ 1.979(b) and 1.997. Until such time, the '381 patent continues be presumptively valid as a matter of law.

Woodbolt's notice also misleadingly omits the fact that the PTAB decision rejected the claim construction proffered by Woodbolt and the Examiner, and reversed the Examiner's rejection of claims 2-14 and 32-34 as being obvious under 35 U.S.C. § 103. As a result, Woodbolt will be estopped from raising those same grounds of invalidity in this case upon a favorable final decision through a PTAB rehearing or Federal Circuit appeal. 35 U.S.C. § 315(c) (pre-AIA).

Finally, the appeal on the *inter partes* reexamination of U.S. Patent No. 8,129,422 remains pending before the PTAB; no appeal hearing has been held and certainly no decision has issued. The third patent before the Court, No. 8,470,865, is not the subject of any reexamination proceeding.

Thus, this case is in the same position it was in before the PTAB decision on the '381 patent.

Dated: July 30, 2015

Respectfully submitted,

/s/ Richard J. Oparil

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CERTIFICATE OF SERVICE

I hereby certify that on July 30, 2015, a copy of the foregoing was electronically filed with the Clerk of the Court using CM/ECF which will send notification to the registered attorney(s) of record that the document has been filed and is available for viewing and downloading.

/s/ Richard J. Oparil

Richard J. Oparil